

A Resolution

**IN SUPPORT OF THE APPLICATION OF BLG Northside Development, L.P.,
TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
FOR A MUNICIPAL SETTING DESIGNATION AT
600 N. MAIN STREET, FORT WORTH, AN APPROXIMATELY 70.856-ACRE TRACT
ENCOMPASSING LAGRAVE FIELD, THE FORMER CYTEC SITE, THE FORMER
TECHNICOAT SITE AND ASSOCIATED PROPERTIES,
FORT WORTH, TEXAS**

NO. 3432-11-2006

WHEREAS, BLG Northside Development, L.P., (Applicant) has filed an application with the City of Fort Worth, Texas, for the city's support of a Municipal Setting Designation for properties located at 600 N. Main Street, Fort Worth, an approximately 70.856-acre tract encompassing LaGrave Field, the former Cytec site, the former Technicoat Site and associated properties, in Fort Worth, Tarrant County, Texas, more fully described in the metes and bounds description being attached hereto as Exhibit "A" (Site); and

WHEREAS, a public meeting on the application for support was held in Fort Worth on October 24, 2006, and a public hearing was held in Fort Worth on November 14, 2006, and the affected community was duly notified of same and allowed the opportunity to comment; and

WHEREAS, the City of Fort Worth is a municipality with a population of 20,000 or greater; and

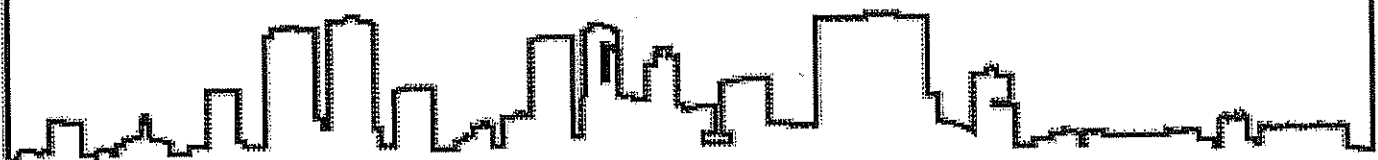
WHEREAS, an approved public drinking water supply system exists that supplies or is capable of supplying drinking water to the Site and to locations within one-half mile of the Site; and

WHEREAS, Applicant has filed documentation with the city stating that contaminants identified within the designated groundwater, associated with historical uses of the Site, that have been detected in concentrations exceeding residential assessment levels for potable use include chlorinated solvents, volatile hydrocarbons, and metals; and

WHEREAS, Applicant has further filed documentation with the city stating that this contamination is contained within the shallow, perched groundwater beneath the Site; and

WHEREAS, the City of Fort Worth, by ordinance, has prohibited the use of designated groundwater beneath the Site for potable purposes as well as for irrigation; and

WHEREAS, upon passage of a supporting resolution by the City Council, Applicant intends to file an application with the Texas Commission on Environmental Quality for certification of a Municipal



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Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W;
and

WHEREAS, Applicant has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the Site; and

WHEREAS, the certification of a Municipal Setting Designation for the Site is in the best interests of the community.

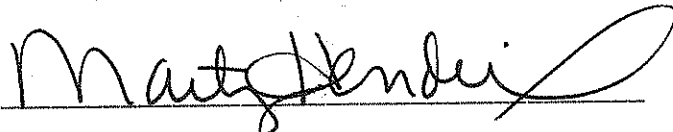
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

That the City supports Applicant's application to the Texas Commission on Environmental Quality for a Municipal Setting Designation of the Site.

Adopted this 14th day of November 2006.

ATTEST:

By:

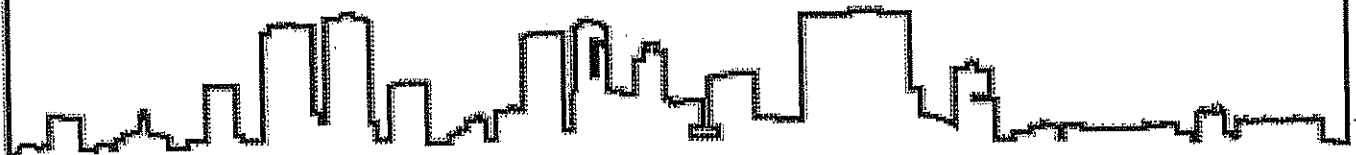


Marty Hendrix, City Secretary

APPROVED
CITY COUNCIL

NOV 14 2006


City Secretary of the
City of Fort Worth, Texas



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EXHIBIT A

Being all of a tract of land as conveyed to LaGrave Reconstruction Company LLC, in Volume, 15273, Page 69, Volume 15593, Page 250, and Volume 15611, Page 257, and all of a tract of land as conveyed to the City of Fort Worth in Volume 15292, Page 209, Volume 15968, Page 23 and Volume 15242, Page 89, and all of Third Street, Fourth Street, King Street, Scott Street, Grove Street, Jones Street, Pecan Street, and a portion of Fifth Street, Sixth Street, and Seventh Street which were vacated by City of Fort Worth in City Ordinance No. 1100, and all subject alleyways vacated by City of Fort Worth in City Ordinance No. 1101, and Ordinance No. 2092, and being more particularly described by metes and bounds as follows:

Beginning at a point at the corner of the west right of way line of Calhoun Street and the northerly right of way line of Seventh Street;

Thence north 30°00'00" west, along the westerly right of way line of Calhoun Street a distance of 654.02 feet to a point;

Thence north 60°00'00" east, leaving said right of way for a distance of 250.15 feet to a point;

Thence south 40°54'05" east, a distance of 105.75 feet to a point;

Thence south 30°00'00" east, a distance of 250.16 feet to a point;

Thence north 60°00'00" east, a distance of 579.22 feet to a point;

Thence south 30°00'00" east, along the easterly right of way of Pecan Street a distance of 1679.67 feet to a point;

Thence south 60°00'00" west, leaving said right of way a distance of 58.12 feet to a point in the westerly right of way line of Pecan Street;

Thence south 30°00'00" east, along the westerly line of said right of way a distance of 460.33 feet to a point;

Thence south 37°10'20" east, a distance of 50.20 feet to a point;

Thence south 30°38'00" east, a distance of 50.00 feet to a point;

Thence south 00°36'00" east, a distance of 185.70 feet to a point;

Thence north 89°22'00" east, a distance of 100.00 feet to a point;

Thence south 32°40'00" east, a distance of 94.30 feet to a point;



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Thence south 00°38'00" east, a distance of 232.00 feet to a point;

Thence north 89°44'00" east, a distance of 33.00 feet to a point;

Thence south 00°16'00" east, a distance of 171.70 feet to a point;

Thence south 60°00'00" west, a distance of 627.00 feet to a point;

Thence north 30°00'00" west, a distance of 574.76 feet to a point;

Thence south 60°00'00" west, along the southerly right of way line of Fourth Street a distance of 270.00 feet to a point in the westerly right of way line of Commerce Street;

Thence north 30°00'21" west, along said right of way line of Commerce Street a distance of 534.95 feet to a point;

Thence north 60°00'00" east, leaving said right of way line a distance of 270.05 feet to a point;

Thence north 30°00'00" west, a distance of 125.00 feet to a point;

Thence south 60°00'00" west, along the southerly right of way of Fifth Street a distance of 570.05 feet to a point in the westerly right of way line of North Main Street;

Thence north 30°00'00" west, leaving said right of way line a distance of 159.95 feet to a point in the westerly right of way line of Commerce Street;

Thence north 60°00'00" east, a distance of 300.00 feet to a point in the westerly right of way of Commerce Street;

Thence north 30°00'00" west, along said right of way line a distance of 1010.28 feet to a point;

Thence south 60°00'00" west, leaving said right of way a distance of 300.00 feet to a point in the westerly right of way line of North Main Street;

Thence north 30°00'00" west, a distance of 210.00 feet to a point in the aforementioned right of way;

Thence north 60°00'00" east, along the northerly right of way of Seventh Street a distance of 569.83 feet to the point of beginning and containing 70.856 acres of land more or less.



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City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 11/14/2006 - Resolution No. 3432-11-2006 & Ordinance No. 17281-11-2006

DATE: Tuesday, November 14, 2006
LOG NAME: 52MSD BLG NS

REFERENCE NO.: G-15493

SUBJECT:

Adopt Resolution Supporting the Application of BLG Northside Development, L.P., for a Municipal Setting Designation for the Properties Located at 600 North Main Street, to the Texas Commission on Environmental Quality, and Adopt Ordinance Prohibiting the Potable Use of Designated Groundwater from Beneath the Site

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a public hearing on the application of BLG Northside Development, L.P., for approval of a Municipal Setting Designation (MSD) for the properties located at 600 North Main Street, Fort Worth. This is an approximately 70.856-acre tract encompassing LaGrave Field, the former Cytec site, the former Technicoat Site and associated properties, in Fort Worth, Tarrant County, Texas, ("site"), to be known as the LaGrave Area MSD, to allow the public the opportunity to give testimony;
2. Adopt the attached resolution supporting the Applicant's application to the Texas Commission on Environmental Quality (TCEQ) for an MSD for the site; and
3. Adopt the attached ordinance prohibiting the potable use of designated groundwater from beneath the site.

DISCUSSION:

In 2003, a state law became effective creating the concept of an Municipal Setting Designation (MSD). The purpose of an MSD is to certify properties in order to limit the scope of or eliminate the need for investigation of or response actions addressing contaminant impacts to groundwater that has been restricted from use as potable water by municipal ordinance. An individual, typically a developer, must apply to the Texas Commission on Environmental Quality (TCEQ) for certification of their property as an MSD. If granted, they will not be required to clean up designated groundwater on their site to drinking water standards, although other cleanup standards such as inhalation and contact must still be met. The application will not be approved by the TCEQ if the municipality where the site is located does not give formal approval. That approval must be by means of a city council resolution supporting the application and an ordinance prohibiting potable use of groundwater in the MSD (potable water is water used for irrigating crops intended for human consumption, drinking, showering, bathing or cooking purposes).

In January 2005, City Council adopted an ordinance creating a procedure for persons applying to the TCEQ for an MSD, to obtain support of that application from the City Council. The procedure includes filing an application with the City, staff review of the application for potential impacts to City interests, conducting a public meeting held for the purpose of providing information on the application to the affected community, and a public hearing. City Council has granted four previous MSD applications.

On September 21, 2006, BLG Northside Development, L.P., filed an application with the City seeking support of an MSD at the LaGrave Area.

Staff from the departments of Environmental Management, Water, Transportation and Public Works, Development and Engineering reviewed the application for potential impacts to City interests. No significant concerns were identified. Notice was issued as required by ordinance, and a public meeting was held at the Central Library, on October 24, 2006. Approximately 20 people were in attendance, including city staff and applicant representatives. The meeting was uneventful and no comments adverse to the application were made.

The designated groundwater at the site is shallow, with depths varying from 10 to 20 feet below ground level. The identified chemicals of concern in the designated groundwater that exceed residential assessment levels are: chlorinated solvents, volatile hydrocarbons, and metals. The impacted groundwater is not a drinking water source. The source of the groundwater contamination is historic industrial uses of the site dating back to the 1930s.

The Fort Worth Water Department provides water service to all existing residential and commercial/industrial properties within ½ mile of the multiple properties located in the LaGrave Area of Trinity Uptown. All undeveloped properties within ½ mile of the site are eligible to receive water service from the Fort Worth Water Department in accordance with the Texas Water Service Certificate of Convenience and Necessity (CCN) No. 12311 (City of Fort Worth) and the City of Fort Worth Policy for the Installation of Community Services.

The site is located in COUNCIL DISTRICT 2.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that this action will have no material effect on City funds.

TO Fund/Account/Centers

FROM Fund/Account/Centers

Submitted for City Manager's Office by:

Libby Watson (6183)

Originating Department Head:

Brian Boerner (6647)

Additional Information Contact:

Michael Gange (6569)
